

REMARKS

The claims of this application have been amended considerably. The claims pending in this application, prior to this Amendment, all stand rejected under Section 103(a) based upon Walsh et al. (6,144,848). Applicant makes these amendments in order to advance prosecution and to place the application in a clearly allowable condition.

Claims 1, 2, 4-9, 12-32 and 35-65 are pending in this application. By this amendment, claims 4, 9, 12, 14, 32, 35, 37, 53, 58, 59 are canceled without prejudice or disclaimer of the subject matter therein, claims 1, 2, 5, 8, 13, 15, 17-22, 26, 28, 31, 36, 38, 40-45, 49, 52, 54-57, 60-65 are amended, and new claims 66-88 are added. Additionally, Applicant maintains that the claims pending prior to this Amendment are allowable over Walsh et al, and therefore makes the present amendments without prejudice and with a reservation of the right to pursue such or similar claims in one or more continuation applications.

In view of the foregoing amendments and the following remarks, reconsideration and allowance is respectfully requested.

Independent claims 1, 2, 60 and 61. As stated, each of independent claims 1, 2, 60 and 61 has been considerably amended. As amended, each of independent claims 1, 2, 60 and 61 is limited to a portable cellular telephone having, in addition to other claimed components, both a first transmitter for transmitting voice and data via a cellular frequency and a second, short range transmitter for transmitting at least data via a second radio frequency. As claimed, the device is capable of making purchase transactions employing different components of the device depending upon whether the point of sale terminal at which the device is being used to make a purchase transaction is a remote point of sale terminal or is a local point of sale terminal that is in physical proximity to the cellular telephone.

In addition to other claimed limitations, as claimed, when the cellular telephone is used to make a remote purchase transaction at a point of sale that is located remotely from the cellular telephone, the first transmitter wirelessly transmits either monetary units (claims 1, 60) or identifying information (claims 2, 61) via a cellular link to the remote point of sale terminal or a processor associated with the remote point of sale terminal for use in making the remote purchase transaction. In contrast, when the cellular telephone is used to make a local purchase transaction at a local point of sale terminal that is located in physical proximity to said cellular telephone and said second transmitter of the cellular

telephone is within a transmission range of the local point of sale terminal, the second transmitter wirelessly transmits either monetary units (claims 1, 60) or identifying data (claims 2, 61) via a short range wireless transmission at the second radio frequency for use in making the local purchase transaction.

Claims 60 and 61 include additional limitations of the cellular telephone having an associated subscriber account. As claimed, an amount corresponding to at least one purchase transaction made with the cellular telephone in a defined period of time is presented on a statement corresponding to the subscriber account and the defined period of time.

As discussed in previous communications, Walsh et al. requires a cellular telephone equipped with a special reader, such as a bar code reader, for use in scanning a bar code in printed media to control a remote host computer server. The user of the Walsh et al. device may initiate an order session by sending bar code command messages to the server for remote order entry. Walsh et al. clearly have no teaching or suggestion of using a cellular telephone to make purchases at a local point of sale terminal. Walsh et al. do not teach or suggest a device, as presently claimed, that can make purchase transactions at a remote point of sale terminal and a local point of sale terminal using different components and different techniques. Notably, Walsh et al. do not teach or suggest a device, as claimed, that has first and second transmitters, one for transmitting via a first, cellular frequency for making a remote purchase transaction at a remote point of sale terminal and one being a short range transmitter for transmitting a short range transmission via a second radio frequency for making a local purchase transaction at a local point of sale terminal. Issues pertaining to Barrus et al., which has been considered by the examiner although apparently not directly relied upon by the examiner and which clearly does not teach or suggest, alone or in combination with other references, the presently claimed invention, are overcome and/or moot in view of the amendments made herein. Accordingly, for at least these reasons, Applicant submits that independent claims 1, 2, 60 and 61 are allowable.

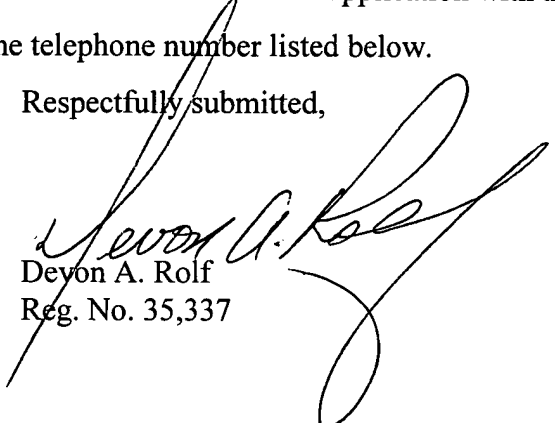
Dependent claims depending from claims 1, 2, 60 and 61. Applicant submits that each of the dependent claims depending from claims 1, 2, 60 and 61, many of which are amended and some of which are newly added, are allowable by virtue of the additional limitation(s) set forth in each dependent claim and by virtue of its dependence from an allowable base claim. In particular, Applicant expressly traverses the rejections, as set forth in the Office Action of February 1, 2006, of the dependent claims that

depend from base independent claims 1, 2, 60 and 61. Additionally, entry and allowance of new dependent claims 66-80, each of which depends from one of base claims 1, 2, 60 and 61, is requested.

New claims 81-88. By this amendment, Applicant adds new claims 81-88, claims 81 and 87 of which are independent. Applicant requests entry and allowance of these claims.

In view of the foregoing amendments and remarks, applicant believes that this application is now clearly in condition for allowance. Accordingly, reconsideration and allowance is respectfully requested. Should the examiner have any questions or wish to discuss this application with the applicant, he is invited to contact the applicant at the telephone number listed below.

Respectfully submitted,



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